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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,854	03/23/2001	Wolfgang Fleischer	LUTZ 2 00428	5816

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CLEVELAND, OH 44114

EXAMINER

PHU, SANH D

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/815,854	FLEISCHER ET AL.	
	Examiner	Art Unit	
	Sanh D. Phu	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5 and 7-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the RCE filed on 11/22/2004.

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13–16 are rejected under 35 U.S.C 102(e) as being anticipated by Seazholtz et al (5,920,821).

Regarding to claims 13 and 14, Seazholtz et al disclose further comprising the step of refreshing the identifier sent to the wireless terminal (automatically downloaded to wireless terminal, col. 19, lines 2–3) and refreshing the identifier is initiated by the mobile user from the wireless

terminal (use manual request by wireless terminal, col. 19, lines 10–11) (see col. 19, lines 1–11).

Regarding to claim 15, Seazholtz et al disclose a method of identifying a provider of a service to a wireless terminal in a wireless telecommunications network (see Fig. 5), comprising the steps of:

Automatically updating a list of providers available to a user of a wireless terminal based on a user profile, where updating occurs when the network has determined that the user has changed location (when the user roaming)(see col. 14, line 58 and col. 22, lines 26–29).

Regarding to claim 16, Seazholtz et al disclose the method further comprising:

Selecting one of the providers located (step 502)(Fig. 5)

Obtaining an identifier of the provider selected (SID)(step 502, col. 14, lines 41–57);

Sending the identifier of the provider selected to the wireless terminal (step 507)(received from Base station SID with having highest priority RSSI)

Claim Rejections – 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3–5,7–12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seazholtz et al in view of CHERN et al (US 2003/0060211).

Regarding to claim 3, Seazholtz et al does not specifically disclose discloses that the identifier is a name and address.

Chern et al disclose discloses that the identifier is a name and address (see section [0045]–[0046]).

Therefore, it would have been obvious for one skilled in the art to modify Seazholtz's application, as taught by Chern, in order to have specific information such as name, address, product, proximity location relative to user so that the user is able to access it faster.

Regarding to claim 4, Seazholtz et al does not specifically disclose the provider of the service selected comprises non-product information.

Chern disclose the provider of the service selected comprises non-product information (businesses or services) (see section [0045]–[0046] and [0053]).

Therefore, it would have been obvious for one skilled in the art to modify Seazholtz's application, as taught by Chern, in order to have specific information such as name, address, product, proximity location relative to user so that the user is able to access it faster.

Regarding to claim 5, Seazholtz et al does not specifically disclose that the provider of the service selected is determined by the location of the provider relative to the location of the wireless terminal.

Chern disclose that the provider of the service selected is determined by the location of the provider relative to the location of the wireless terminal (see section [0045]–[0046]).

Therefore, it would have been obvious for one skilled in the art to modify Seazholtz's application, as taught by Chern, in order to have specific

information such as name, address, product, proximity location relative to user so that the user is able to access it faster.

Regarding to claim 7, Seazholtz et al does not specifically disclose that the monitoring step includes determining whether a change in location of the wireless terminal exceeds a location area size threshold.

Chern disclose (see Fig. 6) that the monitoring step (752) includes determining whether a change in location of the wireless terminal exceeds a location area size threshold (see Fig. 6, section [0088]–[0090] and section [0054]).

Therefore, it would have been obvious for one skilled in the art to modify Seazholtz's application, as taught by Chern, in order to have specific information such as out of range indicator so that the user is able to know that the provider is out of range.

Regarding to claim 8, Seazholtz et al does not specifically disclose that the location area threshold is based on the area served by the base station serving the wireless terminal.

Chern disclose that the location area threshold is based on the area served by the base station serving the wireless terminal (see section [0054] and section [0088]–[0090]).

Therefore, it would have been obvious for one skilled in the art to modify Seazholtz's application, as taught by Chern, in order to have specific information such as out of range indicator so that the user is able to know that the provider is out of range.

Regarding to claim 9, Seazholtz et al does not specifically disclose that step of locating providers of the service requested includes consulting a database containing location-specific service provider information.

Chern disclose that step of locating providers of the service requested includes consulting a database containing location-specific service provider information (see section [0052]–[0054]).

Therefore, it would have been obvious for one skilled in the art to modify Seazholtz's application, as taught by Chern, in order to have specific information such as name, address, product, proximity location relative to user so that the user is able to access it faster.

Regarding to claim 10, Seazholtz et al does not specifically disclose that the step of locating providers of the service requested further includes consulting a service provider profile database to identify the category of service specified by the wireless terminal user.

Chern disclose that the step of locating providers of the service requested further includes consulting a service provider profile database to identify the category of service specified by the wireless terminal user (see section [0051]–[0054]).

Regarding to claim 11, Seazholtz et al does not specifically disclose that the step of sending the identifier of the provider selected includes sending the identifier to the wireless terminal as an electronic document.

Chern disclose that the step of sending the identifier of the provider selected includes sending the identifier to the wireless terminal as an electronic document (sent by server 136 over network 140 visually or audibly) (see section [0051–[0054]]).

Therefore, it would have been obvious for one skilled in the art to modify Seazholtz's application, as taught by Chern, in order to have specific

information such as name, address, electronic document, proximity location relative to user so that the user is able to access it faster.

Regarding to claim 12, Seazholtz et al does not specifically disclose further including displaying the identifier of the provider selected on a text-based (ASCII) or graphical display screen.

Chern disclose further including displaying the identifier of the provider selected on a text-based (ASCII) or graphical display screen (see section [0089]).

Therefore, it would have been obvious for one skilled in the art to modify Seazholtz's application, as taught by Chern, in order to have specific information such as name, address, text, proximity location relative to user so that the user is able to access it faster.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seazholtz et al in view of Chern et al further in view of Murray (US2002/0068583).

Regarding to claim 2, the combination of Seazholtz et al in view of Chern et al disclose that the identifier of the provider includes all relevant information about the provider (see CHERN et al section [0045]).

Chren does not disclose whether the identifier includes a contact phone's number of the service provider.

However, Murray teaches (see Fig. 10) providing users the contact's phone number of service provider for contacting.

At the time of the invention was made, It would have been obvious for a person who skilled in the art to modify the combination of Seazholtz and Chern's invention, as taught by Murray, to include a contact's phone number in the identifier of the provider in order to assist the user able to contact the service provider when it is necessary.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number

is (571)272-7857. The examiner can normally be reached on M-Th from 7:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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SP

Sanh D. Phu
Examiner
Division 2618

7/19/06

A handwritten signature in black ink, appearing to read "Sanh D. Phu".

**SANH D. PHU
PATENT EXAMINER**